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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,333	01/23/2001	Rolf Toft	SNY-P3846	9384

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MILLER PATENT SERVICES
2500 DOCKERY LANE
RALEIGH, NC 27606

EXAMINER

DENNISON, JERRY B

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 05/21/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

SE

Office Action Summary

Application No.

09/767,333

Applicant(s)

TOFT, ROLF

Examiner

J. Bret Dennison

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

This Action is in response to Application Number 09/767333 received on 23 January 2001.

Claims 1-34 are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ananda (U.S. Patent Number 5,548,645) in view of Wilde et al. (U.S. Patent Number 6,446,260).

1. Regarding claims 1, 10, and 26, Ananda discloses on a client device capable of operating using a plurality of operating systems on which a plurality of applications run, a method of downloading an operating system and an application which runs on the operating system, comprising

providing a menu of selections representing a plurality of available applications including said application (Ananda, col. 3, lines 39-40);

displaying an icon representing an application (col. 3, lines 39-40);

receiving a signal representing a user's selection of a desired application (Ananda, col. 3, lines 41-43, Ananda teaches the user selecting the application software);

responsive to receiving the signal, connecting to a service provider (Ananda , col. 3, lines 34-36);

downloading the desired application (Ananda, col. 3, lines 43-50); and
executing the desired application (Ananda, col. 3, lines 60-67).

However, Ananda does not disclose downloading the operating system associated with the desired application from the service provider.

In an analogous art of downloading software from a service provider, Wilde discloses a method and apparatus for a server to provide an operating system with personalization parameters chosen by the user, wherein after the operating system is installed and executed on the client computer, the application programming interface is executed to include the personalization parameters (Wilde, col. 6, lines 35-55, col. 7, lines 1-7).

Therefore it would have been obvious for one in the ordinary skill in the art at the time of the invention to combine Ananda and Wilde to provide a server being able to provide an operating system installation based on personalization parameters, for the benefit of allowing a user to select from a menu an application and the server automatically installing the operating system and application according to the user's selection automatically (Wilde, col. 3, lines 45-51).

2. Regarding claims 2 and 30, Ananda and Wilde teach the features of the invention, substantially as claimed, as described in claims 1 and 26, including wherein the application comprises an entertainment network service application (Ananda, col. 6, lines 34-45).

3. Regarding claims 3, 5, 15, 16, 23, 24, 31, and 33 Ananda and Wilde teach the features of the invention, substantially as claimed, as described in claims 1, 10, 18, and 26, including wherein the connecting comprises:

connecting to a Master Server (Ananda, col. 2, lines 55-60);

connecting by dialing a telephone number (Ananda, col. 6, lines 64-65, Ananda teaches that the communication path is a telephone transmission line);

Ananda also discloses a client connecting to a server through a communications link. However, Ananda and Wilde do not explicitly state obtaining a URL and connecting to the URL via a service provider. However, using a service provider to connect to a server through a URL is well known in the art of networking. Therefore it would have been obvious to one in the ordinary skill in the art at the time of the invention to connect to a URL through their service provider to gain access to the server and retrieve requested data.

4. Regarding claims 4, 6, and 32, Ananda and Wilde teach the features of the invention, substantially as claimed, as described in claims 3, 5, and 26, including authenticating the client device at the Master Server (Ananda, col. 8, lines 10-30).

5. Regarding claims 7 and 29, Ananda and Wilde teach the features of the invention, substantially as claimed, as described in claims 1 and 26, including wherein the downloading stages comprise downloading to a flash memory element (Ananda, col. 7, lines 15-17).

6. Regarding claims 8 and 34, Ananda and Wilde teach the features of the invention, substantially as claimed, as described in claims 1 and 26, including wherein the downloading stages comprise downloading a compressed image of the operating system and application (Wilde, Fig. 2, 100).

7. Regarding claims 9, 17, and 25 Ananda and Wilde teach the features of the invention, substantially as claimed, as described in claims 6, 10, and 18, including further comprising decompressing the operating 19 system and the application prior to the executing stage (Wilde, Fig. 8, 152).

8. Regarding claims 11, 12, 27, and 28, Ananda and Wilde teach the features of the invention, substantially as claimed, as described in claims 10, and 26, including wherein the program means is stored in Read Only Memory (Ananda, col. 7, lines 15-17).

9. Regarding claims 13 and 21, Ananda and Wilde teach the features of the invention, substantially as claimed, as described in claims 10 and 18, including wherein the program means further comprises means for collecting registration information from a user (Ananda, col. 8, lines 38-40).

10. Regarding claims 14 and 22, Ananda and Wilde teach the features of the invention, substantially as claimed, as described in claims 10 and 18, including wherein the program means further comprises means for exchanging authentication information with a Master Server (Ananda, col. 8, lines 10-30).

11. Regarding claim 18 Ananda discloses a client device capable of running applications under a plurality of operating systems, comprising:

- a central processor (Ananda, col. 7, lines 14-15);
- a modem, which downloads from a remote server an operating system associated with a selection by the user of an operating environment (Ananda, col. 6, lines 60-65);

Ananda does not disclose a first memory storing boot code for booting the central processor into an operational state which presents a user with a choice of a plurality of operational environments (Wilde, col. 6, lines 26-55);

wherein the first memory upon completion of the download, configures the client device to run under the operating system ().

In an analogous art of downloading software from a service provider, Wilde discloses a first memory storing boot code for booting the central processor into an operational state which presents a user with a choice of a plurality of operational environments (Wilde, col. 6, lines 26-55);

wherein the first memory upon completion of the download, configures the client device to run under the operating system (Wilde, col. 6, lines 50-55).

See motivation for claims 1 and 10.

12. Regarding claims 19 and 20, Ananda and Wilde teach the features of the invention, substantially as claimed, as described in claim 18, including wherein the program means is stored in Read Only Memory (Ananda, col. 7, lines 15-17).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (703)305-8756. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703)308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.


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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Bret Dennison
Patent Examiner
Art Unit 2143

13.



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